

## REMARKS

Applicants submit this response to the Office Action dated September 27, 2004. Claims 1, 3-5, 20, 21 and 23-26 are pending. Claims 1, 3, 4 and 23-25 are cancelled, claim 20 is amended as discussed below, and no new matter is added.

Applicants appreciate the Examiner's indication that the Office Action was reviewed by a Primary Examiner from Art Unit 1635.

The disclosure was objected to because of inconsistency between the figure legends and the Figures. This has been addressed by amendment herein.

The rejection under 35 U.S.C. § 112, first paragraph, was maintained in view of the language "therapeutically effective amount" in claims 20, 21 and 23-26. The Examiner cited additional references to support his position, specifically Anderson (Nature 392:25-30, 1998), and Verma (Nature 389:239-242, 1997). Applicants submit that these references both relate to delivery of gene therapy, for expression of a therapeutic protein, and not to delivery of antisense oligonucleotides.

On June 24, 2004, applicants filed a Preliminary Amendment accompanying the Request for Continued Examination. In the Preliminary Amendment, applicants provided evidence that the U.S. Patent Office does not classify antisense oligonucleotides as genetic material for purposes of examination. The Examiner has not addressed these points, and has continued to apply references related to the gene therapy, i.e. replacement or addition of genetic material encoding a protein. Applicants request that the Examiner indicate that the June 24, 2004 Preliminary Amendment has been considered, as the newly cited references (Anderson and Verma) are not, according to the PTO classification guidelines, on point for examination of antisense subject matter. Following the telephone interviews with the Examiner, applicants submit that claims 20, 21 and 26 are not subject to this rejection, withdrawal of which is respectfully requested. Applicants appreciate the Examiner's efforts to resolve these issues.

Claims 3, 4, 23, and 24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 3, 4, 23 and 24 have been cancelled. Applicants submit that this ground of rejection may be withdrawn.

Claims 1, 3, 4, 20, 23 and 24 are rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,700,637 (Southern). The Examiner stated that the rejection is predicated on the interpretation of claim 1 as including other sequences of KIAA0175 in addition to SEQ ID NO:9.


To clarify the claimed subject matter, claim 1 (and hence dependent claims 3, 4, 20, 23 and 24) was directed to KIAA0175 of SEQ ID NO:9. As SEQ ID NO:56 of Southern only possesses 83% identity with a sequence that would hybridize with residues 481-497 of SEQ ID NO:9 of the present application, the Southern sequence does not fall within, nor render obvious, the scope of claims 1, 3, 4, 20, 23 and 24. However, without acquiescing to the ground of rejection, claims 1, 3, 4, 23 and 24 are cancelled.

Claims 1, 3, 4, 20, 23 and 24 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative under 35 U.S.C. § 103(a) as obvious over, U.S. Patent No. 6,087,485 (Brooks-Wilson). The Examiner states that SEQ ID NO:233 of Brooks-Wilson possesses 88% identity with a sequence would hybridize to residues 1579-1603 that of SEQ ID NO:9 of the present application. Applicants submit that SEQ ID NO:233 of Brooks-Wilson would not fall within, not render obvious, the scope of claims 1, 3, 4, 20, 23 and 24, as amended. However, without acquiescing to the ground of rejection, claims 1, 3, 4, 23 and 24 are cancelled.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7650.

Respectfully submitted,  
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